

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

LA GALERA PRODUCE, LLC)	
an Illinois corporation,)	
)	
Plaintiff,)	
v.)	Case No. 3:07-cv-635-JVB-CAN
)	
LOS GALANES SUPERMARKET, INC. an Indiana)	
corporation, and ENRIQUE GARCIA, ANTONIO)	
GARCIA, LORENZO GARCIA , and ROBERTO)	
GARCIA, in their individual capacities,)	
Defendants.)	

ORDER

Upon motion of La Galera Produce, LLC, for entry of a judgment by default against Defendants Los Galanes Supermarket, Inc. and Enrique Garcia, Antonio Garcia, Lorenzo Garcia and Roberto Garcia in their individual, the Court finds as follows:

A. Plaintiff filed a Complaint seeking protection of its interests under the Perishable Agricultural Commodities Act 7 U.S.C. § 499a-499t ("PACA"). Plaintiff effected service of its Complaint upon all the Defendants by personal service of summons on January 3, 2008. The Defendants were each required to appear and answer or otherwise plead to the Complaint within 20 days of service, on or before January 23, 2008.

B. Defendants have failed to answer, plead, or otherwise defend within the statutory period.

C. The Clerk of this Court entered a default against all Defendants on February 14, 2008.

D. Defendants were dealers pursuant to PACA, statutory trustees of the PACA trust and were required to maintain the trust assets in such a manner as to ensure there were, at all times, sufficient trust assets to satisfy all outstanding PACA trust obligations such as that owed to Plaintiff. As trustees of the PACA trust, Defendants held fiduciary relationships to Plaintiff.

E. On the basis of pleadings, affidavits, and other submissions in this case, the Court finds that the Defendants have dissipated the PACA trust and breached their fiduciary duties as Trustees of the PACA trust, and these acts constitute a defalcation on the part of Defendants.

Good cause appearing therefore, the Court hereby finds that the Plaintiff, in accordance with Rule 55 of the Federal Rules of Civil Procedure, is entitled to judgment by default against Defendants Los Galanes Supermarket, Inc. and Enrique Garcia, Antonio Garcia, Lorenzo Garcia and Roberto Garcia in their individual capacities, with execution on this Judgment to issue immediately.

Accordingly, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:**

1. Final Judgment is hereby granted and entered in favor of Plaintiff and against Los Galanes Supermarket, Inc. and Enrique Garcia, Antonio Garcia, Lorenzo Garcia and Roberto Garcia in their individual capacities, on all Counts of the Complaint, in the amount of \$118,691.14, plus attorney's fees in the amount of \$13,708.29.
2. This Judgment is expressly founded upon the Defendants' defalcation of their fiduciary duties to the Plaintiff.
3. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, this Court expressly directs the entry of this Default Judgment as a final judgment with the execution upon this Judgment to proceed immediately. This Court retains jurisdiction over any supplementary proceedings required to enforce the judgment.

SO ORDERED on March 4, 2008.

s/Joseph s. Van Bokkelen
Joseph S. Van Bokkelen
United States District Judge